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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,990	09/11/2003	James Sproatt	262600/82641	4651

7590 07/21/2004
Barnes & Thornburg
600 One Summit Square
Fort Wayne, IN 46802

EXAMINER

DUNN, DAVID R

ART UNIT PAPER NUMBER

3616

DATE MAILED: 07/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/659,990

Applicant(s)

SPROATT ET AL.

Examiner

David Dunn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-10 and 13-18 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 11, 12 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/29/03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 12/29/03 is acknowledged. See enclosed IDS form. It is noted that Patent 6,200,806 to Thomson was not considered as it was related to primate embryonic stem cells.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 8-10 and 13-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Uriarte (5,143,386).

Uriarte discloses an apparatus for automatically leveling a vehicle, comprising: a plurality of legs (20); wherein each of the legs is movable between a retracted stowed position (completely retracted) and an extended use position; and wherein each of the legs is movable to the retracted stowed position to allow the vehicle to travel and each of the legs is movable to the extended use position to engage a ground surface prior to leveling the vehicle (inherent); a sensor (205; Figure 4b) mounted to the vehicle to sense pitch and roll (see column 4, lines 1-20) of the vehicle relative to a reference level plane (column 7, lines 26-27); a controller (200) coupled to each of the legs and the sensor, wherein the controller monitors the orientation signal received from the sensor and in response to that signal the controller causes at least one of the legs to

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retract to move the vehicle downwardly relative to the ground surface, for orienting the vehicle with the reference plane within a tolerance (see column 9, lines 11-28). The sensor provides the orientation signal to the controller indicating a change in the vehicle orientation after each leg engages the ground and extends sufficiently to affect the vehicle orientation (inherent). The controller interprets the orientation signal after each adjustment to determine whether a portion of the vehicle has passed through the reference level plane (see column 9, lines 20-25). The apparatus includes switches for individually actuating the legs (116; see Figure 5a). Each leg has a sensor to signal when the leg is stowed (see column 3, lines 10-17).

Regarding the method claims of claims 15-18, the apparatus as described above performs the method as claimed.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uriarte in view of Hamilton (4,913,458).

Uriarte is discussed above and fails to show the legs alternating between adjusting the end and side.

Hamilton shows an apparatus for adjusting the level of a vehicle wherein the leveling alternates between end and side legs (see column 23, lines 17-25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Uriarte with the teachings of Hamilton to allow the legs to level one at a time in order to simplify the leveling process and to prevent the legs for fighting with each other during the leveling process (which may occur when legs level at the same time).

Allowable Subject Matter

6. Claims 4, 5, 11, 12, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

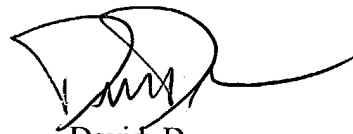
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schneider et al. ('525 and '385) show vehicle leveling systems.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Dunn whose telephone number is 703-305-0049. The examiner can normally be reached on Mon-Thur, alt. Fridays, 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 703-308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'David Dunn', with a stylized flourish extending to the right.

David Dunn
Primary Examiner
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